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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,192	08/18/2000	Steven G. LeMay	IGT1P031	6816

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EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/21/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K

Office Action Summary

Application No.

09/642,192

Applicant(s)

LEMAY ET AL.

Examiner

Steven Ashburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 and 47-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 and 47-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 17, 2003 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 24 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the claims describe a gaming device having a master gaming controller performing player tracking services and functions wherein player tracking services provided without a separate player tracking hardware unit including player tracking devices and a processor for executing player tracking software. However, this claim language contradicts figure 1 of the applicant's specification which illustrates the system hardware as including separate player-tracking unit and card reader. Likewise, the claim language contradicts the figure 3 which illustrates the system hardware as including, at least, a separate card reader. Thus the system as originally disclosed includes player tracking hardware including player tracking devices. Furthermore, this hardware will implicitly include a data processor to receive the data from the card, operate the hardware unit, allow it to communicate with the master game controller. Consequently, the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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For the purposes of examination, based on applicant's disclosure, the examiner interprets the language to mean that player tracking data input by a player into player tracking hardware devices (e.g. card reader) is transmitted directly to the master gaming controller whereat the data is processed without the any additional data processing by an intervening separate player tracking unit. *See specification, p. 10, line 18 to p. 12, line 15.*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6, 7, 11, 12, 15, 16, 18, 19, 23, 24, 32, 34, 37-39, 41-44, 47-50 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker, U.S. Patent 6,113,492 (Sep. 5, 2000) in view of Johnson et al., U.S. Patent 5,149,945 (Sep. 22, 1992).

In regards to claims 1, 22 and 44, *Walker* teaches a gaming device containing computer readable memory loaded with computer executable code for evaluating player tracking events. The reference teaches the following features of the claims:

- a. A housing. *See fig. 4B(100).*
- b. A master gaming controller (110) mounted with the housing (100) designed and configured to (i) control games played on a gaming machine and (ii) provide player tracking events by performing player tracking functions including (a) evaluating player tracking events, (b) directly controller operating features of a plurality of physical devices in response to player

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tracking events, (c) execute player tracking software that allows the plurality of physical devices to perform the functions of a player tracking unit. *See fig. 1, 6, 7; col. 14:65-15:24.*

c. An input device for inputting player-tracking information into a gaming system. *See id.*

d. A communication interface for transmitting player-tracking information to a site outside the gaming machine. *See id.*

e. A memory storing player tracking software that allows the master gaming controller to operated on the tracking event and allows the master gaming controller to provide gaming services. *See id.*

However, *Walker* does not particularly describe the feature of having player tracking services provided without a separate player tracking hardware unit including player tracking devices and a processor for executing player tracking software. Regardless of the deficiency, this feature would have been obvious to an artisan in view of *Johnson*.

Johnson discloses a coupler allowing a host processor such as, a personal computer, point of sale device or the like, to communicate with and control portable data carriers including circuit cards, data keys, super smart cards, and smart coins. *See abstract.* The coupler is adapted to receive the card in a standard card reader to establish connection between the card and a connector in the coupler to which the necessary control signals are applied. *See id.* The presence of an integrated circuit card is detected in the coupler's card connector terminal which provides a card present signal to the host processor. *See id.* The coupler provides the advantage of reduce the cost and complexity of a system by eliminating the need to incorporate separate microprocessor for the card reader. *See col. 2:38-44.*

In view of *Johnson*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Walker*, wherein the slot machine includes a card reader connected to a game controller, to add the feature of having player tracking services provided without a separate player tracking hardware unit including player tracking devices and a processor for executing player tracking

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software. As suggested by *Johnson*, the modification would reduce the cost and complexity of the gaming device by eliminating the need to incorporate separate microprocessor for the card reader. *See col. 2:38-44.*

In regards to claims 2 and 37, *Walker* additionally teaches gaming services including player tracking and accounting services. *See fig. 1, 6, 7; col. 14:65-15:24.*

In regards to claims 4 and 34, *Walker* additionally teaches a display device for displaying player tracking information. *See id.*

In regards to claims 6 and 41, *Walker* additionally teaches gaming machine is a slot machine, video slot machine, keno game or video poker game. *See fig. 1, 6, 7; col. 3:57-65.*

In regards to claims 7 and 39, *Walker* additionally teaches a communication interface connected to a network. *See fig. 1, 6, 7.*

In regards to claim 11, *Walker* additionally teaches gaming machine memory storing software for device interfaces that allow the controller to detect player-tracking events from the input device. *See fig. 1, 6, 7; col. 14:60-15:24.*

In regards to claims 12 and 38, *Walker* additionally teaches a device interface is a card reader, monitor; touch screen display, keypad, or panel buttons. *See id.*

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In regards to claims 15 and 32, *Walker* additionally teaches a server outside the gaming machine.

See fig. 1, 6, 7.

In regards to claims 16 and 53, *Walker* additionally teaches memory storing software for receiving player tracking events from a site outside the gaming machine. *See fig. 1, 6, 7; col. 5:5-33, 12:35-55.*

In regards to claim 18, *Walker* additionally teaches memory storing software allowing the controller to receive player tracking information from a site outside the gaming machine and send player tracking information to the site using one or more communication protocols. *See fig. 1, 6, 7; col. 13:19-26, 14:60-15:12.*

In regards to claims 19, 47 and 48, the combination of *Walker* with *Johnson* describes all the features of the claimed subject matter except a “manufacturer player tracking protocol”. Regardless of the deficiency, the feature would have been obvious to an artisan. It is notoriously well known in the art that various gaming device manufacturers employ player-tracking protocols of their own design. These protocols serve an equivalent function as non-manufacturer specific protocols. It would have been obvious to an artisan at a time prior to the invention to modify the player tracking system taught by *Walker*, to support manufacturer player tracking protocols to offer a gaming device compatible with manufacture specific player tracking systems and thereby enhance the system marketability by supporting player tracking systems currently in use.

In regards to claim 23, *Walker* additionally teaches a wireless communication interface. *See col. 12:47-55.*

In regards to claims 42, *Walker* additionally teaches player tracking event is an encapsulated information packet. *See id.* More specifically, *Walker* transmits player-tracking events between a gaming device and a server over an Internet connection that uses TCP/IP. Hence, it is implicit that player-tracking events are transmitted as encapsulated information packets.

In regards to claims 43, *Walker* additionally teaches sending player tracking events to two or more destinations. *See fig. 1, 6, 7.*

In regards to claims 47 and 48, the combination of *Walker* with *Johnson* describes all the features of the claimed subject matter except a touch screen, microphone, wireless communication interface, or bar code reader. Regardless, these input devices are well known interfaces for interactive devices to receive data from a user. Consequently, it would have been obvious to an artisan at the time of the invention to modify the gaming device described by *Walker* to add the features of inputting player tracking data through touch screen, microphone, wireless communication interface, bar code reader, or combination thereof to tailor the user inputs devices to meet the needs and tastes of different users and operators and thereby increase the utility of the device.

In regards to claims 49, *Walker* additionally teaches receiving player tracking information from physical devices. *See fig. 1(164, 166).*

In regards to claims 50, *Walker* additionally teaches displaying tracking information to physical devices. *See fig. 1(102).*

In regards to claims 51, *Walker* additionally teaches tracking game usage by individual players using the gaming machine. *See fig. 11, 12.*

In regards to claims 52, *Walker* additionally teaches tracking game usage by individual players using the gaming machine. *See id.*

Claims 5, 8, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Johnson*, as applied to claims 1, 24 and 44 above, in further view of Acres, U.S. Patent 6,317,852 (Apr. 16, 2002) (hereinafter “*Acres* ‘832”).

In regards to claims 5 and 35, the gaming device suggested by the combination of *Walker* with *Johnson* teaches all the features of the iclaims except a display device that is a monitor, LCD, florescent display or sound projection device. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Acres*.

Acres ‘832 discloses an analogous player tracking input device wherein the input device includes a vacuum florescent display (VFD) and a speaker. *See col. 4:30-34*. Additionally, it is notoriously well known to employ monitors (e.g. CRTs) and LCDs as display devices. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify player tracking device described by *Walker*, wherein a display is used to inform player of player tracking information, to employ a CRT, LCD, VFD, or speaker to clearly communicate to players the status of a player tracking device transaction.

In regards to claims 8 and 40, *Acres* ‘832 additionally describes linking a game to a both a progressive and bonus game network. *See col. 3:55-4:12*.

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Claims 9, 10 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Johnson*, as applied to claims 1, 24 and 44 above, in further view of *Lichtman*, U.S. 5,819,107 (Oct. 6, 1998).

In regards to claim 9, the gaming device suggested by the combination of *Walker* with *Johnson* teaches all the features of the claim except storing software for one or more device drivers in memory that allows the master gaming controller to operate at least some of the input devices. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Lichtman*.

Lichtman discloses a method for interfacing a peripheral devices in a computer to simplify the process of installation or upgrading of components. *See col. 3:6-30*. In specific regards to the claimed subject matter, *Lichtman* discloses storing software for one or more device drivers in memory that allows the master gaming controller to operate at least some of the input devices. *See col. 4:64-5:7*.

In view of *Lichtman*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by the combination of *Walker* with *Johnson*, wherein a plurality of peripheral devices are interfaced to a central processor in a networked gaming device, to add the feature of storing a plurality of device drivers in memory that support a plurality of industry standard and manufacturer specific communication protocols such that device driver may be replaced without changing the interface. The modification would simplify the installation or upgrading of gaming device peripherals, including player-tracking devices, by reducing the time and expense required to solve hardware and software integration problems.

In regards to claim 10 and 27 *Lichtman* additionally teaches supporting various device driver and communication protocols. *See fig. 1-7*. NetPlex, USB, Ethernet, Firewire, direct memory map, PCI, serial or parallel are known, industry standard protocol. Thus, it would have been obvious to an artisan at

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the time of the invention to modify the gaming device suggested by the combination of *Walker* with *Johnson* and *Lichtman*, wherein the system supports various protocols for external devices, to add the features of NetPlex, USB, Ethernet, Firewire, direct memory map, PCI, serial or parallel are known, industry standard protocol and thereby allow the system to support devices commonly used in the industry.

In regards to claims 25 and 30, the combination of *Walker* with *Johnson* and *Lichtman* describes a networked gaming device wherein a player tracking device is interfaced with a gaming controller which transmits data to a remote server to evaluate player tracking events. Furthermore, *Lichtman* discloses devices drivers for interfacing the controller and the peripheral devices using a various communication protocols. Hence the combination describes all the features of the instant subject matter except software for translating communication protocols. Regardless, it is notoriously well known to provide communication protocol translators to allow devices operating with one protocol (e.g. SCSI) to communicate with devices using a second protocol (e.g. Ethernet). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the network gaming system suggested by the combination of *Walker* with *Johnson* and *Lichtman*, wherein the devices operate with a plurality of protocols are connected to a network, to add the feature of a communication protocol translator to format the data generated by a device in a manner compatible with the network in order to communicate data generated by a player tracking device to a remote server.

In regards to claims 26 and 28, *Walker* additionally teaches a device interface is a card reader, monitor; touch screen display, keypad, or panel buttons. *See fig. 1, 6, 7; col. 14:60-15:24.*

In regards to claim 29, *Lichtman* additionally teaches replacing a first device driver with a second device driver different from the first device driver wherein interface corresponding the device drivers is not changed. *See fig. 4a-c, 5, 11b; 8:54-9:54*. More specifically, *Lichtman* allows selection and changing of a plurality of devices drivers to support a plurality of peripheral devices without changing the interface. *See id.*

In regards to claims 31, the combination of *Walker* with *Johnson* and *Lichtman* describes all the features of the claimed subject matter except a “manufacturer player tracking protocol”. Regardless of the deficiencies, the features would have been obvious to an artisan. It is notoriously well known in the art that various gaming device manufacturers employ player-tracking protocols of their own design. These protocols serve an equivalent function as non-manufacturer specific protocols. It would have been obvious to an artisan at a time prior to the invention to modify the player tracking system suggested by the combination of *Walker* with *Johnson* and *Lichtman*, to support manufacturer player tracking protocols to offer a gaming device compatible with manufacture specific player tracking systems and thereby enhance the system marketability by supporting player tracking systems currently in use.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Johnson*, as applied to claims 1, 24 and 34 above, in further view of Boushy, U.S. Patent 6,183,362 (Feb. 6, 2001).

The gaming device suggested by the combination of *Walker* with *Johnson* teaches all the features of the instant subject matter except connecting the communication interface to two different networks using the same communication connection wherein the connection is Ethernet. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Boushy*.

Boushy discloses an analogous player tracking system wherein gaming devices are connected to two different networks using the same communication connection wherein the connection is Ethernet. *See fig. 1; col. 2:15-53*. The system allows a player tracking networks from different casino properties to share player-tracking information. *See id.*

In view of *Boushy*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by the combination of *Walker* with *Johnson*, wherein a gaming device is connected to a network for player tracking, to add the feature of connecting the gaming device to two different networks using the same communication connection to share player tracking information between casino properties and thereby develop more complete player tracking data.

Claims 17, 21, 22, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Johnson*, as applied to claims 1, 24 and 34 above, in further view of *Acres et al.*, U.S. Patent 5,702,304 (Dec. 30, 1997) (hereinafter "*Acres '304*").

In regards to claim 17 and 33, the gaming device suggested by the combination of *Walker* with *Johnson* describes all the features of the instant subject matter except collecting data on time and date. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Acres '304*.

Acres '304 discloses an analogous player tracking system wherein the system collects data including time of play. *See col. 3:19-35*. In view of *Acres*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the player tracking system taught by *Walker* to add the feature of tracking date and time data to allows operators to compile gambling timing data and thereby enhance the operators ability to predict gambling habits and thereby tailor incentive to maximize revenues.

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In regards to claims 21, 22 and 36, *Acras* '304 additionally describes detecting power failures and storing data in non-volatile data to increase the reliability of player tracking data in case that a gaming device losses power. *See col. 9:17-33*.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Johnson*, as applied to claims 1, 24 and 44 above, in further view Pease, U.S. Patent 5,766,076 (Jun. 16, 1998) and Kelly, U.S. Patent 6,293,865 (Sep. 25, 2001)

Walker teaches a player tracking system with a device that inputs player tracking information from a card to identify a player and associate the player with tracking and account data. *See col. 5:5-20, 12:35-46*. Hence, the gaming device suggested by the combination of *Walker* with *Johnson* describes all the features of the instant subject matter except finger prints, sound devices, bar-coded tickets, wireless devices and PDAs.

Pease describes an analogous player tracking system in which a card reader receives a card encoded with identification data. *See col. 3:36-4:9*. It suggests that identification may be also be provided by voice print, retinal scan, fingerprint, smart cards or other identification configured with a memory and microprocessor. *See id.* Magnetic cards, smart cards, finger prints, sound devices and bar-coded tickets are known equivalents for identifying a player at a gaming device using encoded documents or biometric data. *Walker* suggests all the claimed subject matter except a wireless device or personal digital assistant. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Kelly*.

Kelly discloses another analogous system for network gaming wherein player identification is required to access data stored in a remote database on a server. *See col. 3:31-39*. It describes transferring identification information with a game unit using a PDA's wireless link. *See col. 3:59-62*.

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In view of *Pease* and *Kelly*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the network gaming device taught by *Walker*, wherein identification cards are used as player tracking inputs, to add the features of finger prints, sound devices, bar-coded tickets, wireless devices and PDAs to enhance the player tracking system by accepting different identification means offering various levels of security, convenience and cost.

Response to Arguments

Applicant's arguments with respect to claims 1-44 and 47-53 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.
April 15, 2003



MARK SAGER
PRIMARY EXAMINER